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HIGHLANDS RANCH CO 80129

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of	:
Hodgson et al.	:
Application No. 09/302,024	: Decision on Petition for
Filed: April 29, 1999	: Patent Term Extension
For: METHIONYL TRNA SYNTHETASE	:
POLYPEPTIDES FROM	:
STAPHYLOCOCCUS AUREUS	:

The above-identified application has been forwarded to the undersigned for consideration on a petition for patent term extension entitled "Petition Under 37 CFR .181 To Review Patent Term Extension (PTE) Calculation Under 37 CFR 1.701" received March 28, 2005.

The petition is granted.

Petitioner notes the above-identified application was suspended by the Office on September 11, 2000, and again on April 9, 2003 for a potential interference. Petitioner states that he is not aware of an interference being declared.

The Notice of Allowance and Issue Fee Due mailed on May 6, 2004, incorrectly indicated that the patent to issue from the application 09/302,024 is eligible for a 190-day extension, where a no extension is due.

The petition is GRANTED.

The patent statute only permits extension of patent term based on very specific criteria. The Office has no authority to grant any extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154. 35 U.S.C. § 154 provides for patent term extension for appellate review, interference and secrecy order delays in utility and plant applications filed on or after June 8, 1995, and, as amended by the "American Inventors Protection Act of 1999," enacted November 29, 1999, as part of Public Law 106-113, for other specifically defined administrative delays in utility and plant applications filed on or after May 29, 2000.

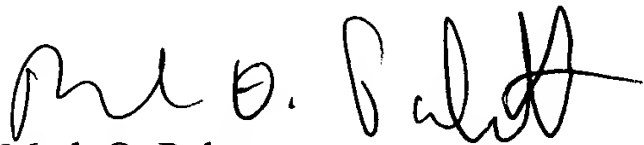
Although prosecution was suspended in the above-identified application, the suspensions were due to a potential interference with applicants' application with other applications, not to await the result of an

interference proceeding in another application. As a result, the provisions of 37 CFR 1.701(c)(1)(ii) do not apply. Thus, the application is not eligible for patent term extension.

After mailing of this decision, the application will be forwarded to the Office of Publications for issuance of the patent.

Petitioner's deposit account has not been charged a petition fee.

Telephone inquiries with regard to this communication should be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark O. Polutta', with a stylized flourish at the end.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy